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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3096***

***Thursday, October 3, 2002 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Loretta M. Lynch, President**

**Geoffrey F. Brown**

**Henry M. Duque**

**Michael R. Peevey**

**Carl W. Wood**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Thursday, October 17, 2002 (San Francisco) (Will Be Held)	Thursday, October 17, 2002 (San Francisco)
Tuesday, October 22, 2002 (San Francisco)	Thursday, October 24, 2002 (San Francisco)
Monday, November 04, 2002 (San Francisco)	Thursday, November 07, 2002 (San Francisco)
Monday, November 18, 2002 (San Francisco)	Thursday, November 21, 2002 (San Francisco)
Monday, December 02, 2002 (San Francisco)	Thursday, December 05, 2002 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- H-7a, H-7

### Public Comment:

Re CA-13: James P. Lucey, San Rafael, CA

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

**CA-1                    A02-05-021 - Bidwell Water Company, Inc. (Bidwell) and Dougall Family Trust, Craig  
947                    Dougall Trustee.**

This decision grants an amended application for the sale of Bidwell to the Indian Valley Community Services District. This proceeding is closed.

(Comr Duque - ALJ Walker)

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3095, Item CA-3 9/19/2002 (Wood))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132223](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132223)

**CA-2                    Res ALJ-176-3096  
1013**

Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=129965](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=129965)

**CA-3  
969****A01-10-028 - San Gabriel Valley Water Company (San Gabriel).**

For authority to increase rates charged for water service in its Los Angeles County Division revenues by \$9,526,800 or 30.4% in 2002, \$7,276,100 or 17.8% in 2003, \$2,668,600 or 5.5% in 2004, and \$2,668,500 or 5.2% in 2005. This decision authorizes San Gabriel to increase revenues by \$3,435,700 (or 10.90%) for test year 2002, \$1,554,800 (or 4.44%) for test year 2003, \$1,552,500 (or 4.24%) for attrition year 2004, and \$1,552,500 (or 4.07%) for attrition year 2005. These revenue increases reflect an overall 9.4% rate of return for all years. This proceeding is closed.

(Comr Duque - ALJ Bushey)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3095, Item CA-5 9/19/2002 (Wood))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132155](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132155)

**CA-4  
1003****A01-09-034 - Catalina Freight Line (CFL).**

For authority to establish a Zone of Rate Freedom (ZORF) for its vessel common carrier service for the transportation of freight between Los Angeles Harbor and Catalina Island. This decision denies the application of CFL to establish a ZORF. This proceeding is closed.

(Exam Clark)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3095, Item CA-6 9/19/2002 (Duque))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=129531](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=129531)

**CA-5  
1007****A99-05-044 - Southern California Gas Company (SoCalGas).**

In this application, SoCalGas asked to change the rules governing independent contractors' installation of automatic earthquake shut-off valves (EQVs). By D01-11-068 in A00-07-040, the Commission granted SoCalGas authority to discontinue new EQV installations. As a result, this application is moot, and this decision closes the proceeding.

(Comr Wood - ALJ O'Donnell)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3095, Item CA-8 9/19/2002 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131830](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131830)

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**CA-6  
1039**      **C99-12-029 - AT&T Communications of California, Inc. vs. Pacific Bell Telephone Company (Pacific).**

C00-02-027 - Related matters. This decision dismisses this consolidated complaint case without prejudice conditioned upon Pacific retaining the services of an outside auditor to conduct an operational audit and validation of Pacific's current process for tracking and billing Local Primary Interexchange Carrier disputes. These proceedings are closed.

(Comr Peevey - ALJ Galvin)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132142](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132142)

**CA-7  
1051**      **A02-03-046 - Apple Valley Ranchos Water Company.**

For authority to increase rates: In 2003 of \$2,775,000 or 27.1% above revenues generated by present rates, in 2004 of \$497,839 or 3.8% above the revenues generated by the rates proposed for 2003, in 2005 of \$507,422 or 3.7% above the 2004 revenue requirements. Apple Valley Ranchos Water Company's test year 2003 results of operation and rates that will be adopted in this proceeding shall be effective January 1, 2003.

(Comr Peevey - ALJ Galvin)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3095, Item CA-12 9/19/2002 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131835](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131835)

**CA-8 (Rev.)  
1052**      **C01-10-034 - Dairyman's Division of Land O'Lakes, Inc. (Land O'Lakes) vs. Southern California Edison Company (SCE).**

This decision finds that SCE did not violate provisions of its Tariff Schedule I-6 by assessing excess energy charges on Land O'Lakes for not curtailing energy usage on five separate occasions within a four-day period. This proceeding is closed.

(Comr Peevey - ALJ Galvin)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

10/02/2002 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=130315](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=130315)

**CA-9  
1053****A00-01-024 - Pacific Gas & Electric Company (PG&E).**

A00-01-029, A00-01-030 - Related matters. This decision approves a settlement agreement involving PG&E, San Diego Gas & Electric Company, and Southern California Edison Company related to the purchase by customers of their existing electric meters. The settlement agreement resolves all issues related to such sales. The parties agree that sale price will not be less than the greater of a meter's net book value or the replacement cost new less depreciation. After tax proceeds of meter sales will be credited to depreciation reserve, which allows ratepayers to benefit from any gain on sale. These proceedings are closed.

(Comr Wood - ALJ Walker)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=130343](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=130343)

**CA-10  
1054****I89-07-004 - Order Instituting Investigation on the Commission's own motion to implement the biennial resource plan update following the California Energy Commission's Seventh Electricity Report.**

This decision modifies D97-05-021 regarding the forum within the Commission for the utilities to make certain periodic filings. This proceeding is closed.

(Comr Duque - ALJ Econome)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132076](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132076)

**CA-11  
1058****A02-06-014 - Blue & Gold Fleet, L.P. (Applicant).**

This decision grants Applicant a fare increase for its Sausalito/San Francisco service. This proceeding is closed.

(Comr Peevey - ALJ Rosenthal)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132243](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132243)

**CA-12  
1061****C02-04-003 - AC Farms Sherwood, et al. vs. Southern California Edison Company.**

This decision dismisses Complaint for failing to state a claim under Public Utilities Code Section 1702. This proceeding is closed.

(Comr Brown - ALJ DeBerry)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=130365](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=130365)

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- CA-13  
1062**      **A01-10-020 - North Gualala Water Company (North Gualala).**  
This decision concludes that North Gualala acted reasonably in undertaking a Source of Supply Study, authorizes recovery of \$323,274.67 from customers through a surcharge on the monthly bill over the next five years and resolves a dispute over the appropriate ratemaking account for recording the Study costs. This proceeding is closed.  
(Comr Duque - ALJ Veith)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- CA-14  
1095**      **R95-01-020 - Rulemaking on the Commission's own motion into Universal Service and to comply with the mandates of Assembly Bill 3643.**  
I95-01-021 - Related matters. This decision closes the proceeding since no party demonstrated a compelling need to keep the proceeding open.  
(Comr Brown - ALJ Kenney)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131165](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131165)
- CA-15  
1096**      **A02-07-026 - Fones4All Corp. (Fones4All).**  
This decision grants Fones4All's request for authority to provide limited facilities-based local exchange telecommunications services as a competitive local carrier. This proceeding is closed.  
(Comr Brown - ALJ Jones)  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=130712](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=130712)
- CA-16  
1097**      **R\_\_\_\_\_ - Rulemaking on the establishment of a public purpose program surcharge pursuant to Assembly Bill (AB) 1002.**  
This order institutes a rulemaking to determine policy issues pertaining to the natural gas surcharge authorized by AB 1002, and to adopt a long-term framework for implementing Public Utilities Code Sections 890-900.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=109745](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=109745)
- CA-17  
1098**      **Res T-16692 - Verizon California, Inc. (Verizon).**  
This resolution approves an Interconnection Agreement between Verizon and Midwestern Telecommunications, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10151 filed July 15, 2002.)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131634](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131634)
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- CA-18  
1103**      **A02-07-010 - WesTex Communications, LLC (Applicant).**  
This decision grants the Applicant's request for a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications service. This proceeding is closed.  
(Comr Peevey - ALJ O'Donnell)  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=130624](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=130624)
- CA-19  
1105**      **A02-03-043 - Sacramento Regional Transit District (District).**  
This decision grants the request of the District for an order authorizing the construction, maintenance, and operation of a light rail passenger system on a structure over Sunrise Boulevard in the County of Sacramento. This proceeding is closed.  
(Exam Clark)  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=127215](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=127215)
- CA-20  
(Rev.)  
1107**      10/02/2002 - Moved to item 3 on the agenda.
- CA-21  
1119**      **A01-11-016 - Pacific Gas & Electric Company (PG&E).**  
This decision grants the request by PG&E for approval of an easement on PG&E land under Public Utilities Code Section 851. The easement is needed to allow for installation, maintenance, and operation of an overhead generation tie line and related facilities associated with a new electric generation plant currently under construction in western Kern County, by Elk Hills Power LLC. This proceeding is closed.  
(Comr Lynch - ALJ Cooke)  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121048](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121048)
- CA-22  
1120**      **A02-06-022 - Vicera Communications, Inc. dba Genesis Communications International (Applicant).**  
This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications services. This proceeding is closed.  
(Comr Wood - ALJ O'Donnell)  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132592](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132592)
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**CA-23**            10/03/2002 - Moved to item (4) on the agenda.  
**(Rev.)**  
**1121**

**CA-24**            **C01-10-012 - San Gabriel Transit, Inc., dba City Cab Company vs. Tital Capital Corp., et al.**  
**1137**            This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d) to February 28, 2003.  
                 (Comr Brown - ALJ Walker)  
                 *Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
                 [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131865](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131865)

**CA-25**            **C01-08-018 - United States Can Company v. Southern California Edison Company.**  
**1142**            This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d) until further order.  
                 (Comr Peevey - ALJ Brown)  
                 *Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
                 [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131919](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131919)



## Regular Agenda

### Utility and Transportation Orders *Orders Held Over*

- H-1  
38**      **A00-12-026 - Pacific Gas and Electric Company (PG&E).**  
For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.  
(Comr Lynch - ALJ Kenney)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3080, Item CA-9 1/23/2002 (Oshiro); Agenda 3087, Item CA-9 5/2/2002;  
Agenda 3088, Item CA-28 5/16/2002; Agenda 3090, Item H-1 6/27/2002 (Duque);  
Agenda 3091, Item H-2 7/17/2002; Agenda 3093, Item H-1 8/22/2002 (Duque); Agenda  
3095, Item H-1 9/19/2002 (Lynch))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132145](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132145)
- H-1a  
854**      **ALTERNATE TO ITEM 38**  
For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. The alternate decision concludes that the lease agreements are, in effect, licenses and therefore Public Utilities Code Section 851 is not applicable.  
(Comr Duque)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3091, Item H-2a 7/17/2002; Agenda 3093, Item H-1a 8/22/2002 (Duque);  
Agenda 3095, Item H-1a 9/19/2002 (Lynch))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122730](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122730)
- H-2  
864**      **A01-06-003 - Pacific Gas and Electric Company (PG&E).**  
Application in the 2000/2001 revenue adjustment proceeding. PG&E's revenue adjustment proceeding for July 1999-2002 disallows \$33,166 in special contract costs; eliminates one balancing and 11 memorandum accounts; and verifies undisputed entries in the Transition Revenue Account and other specialized accounts. This proceeding is closed.  
(Comr Brown - ALJ Sullivan)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3094, Item H-4 9/5/2002 (Lynch))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131968](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131968)

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**H-3  
943                    P02-02-003 - Pacific Gas and Electric Company, Southern California Edison Company and California-American Water Company.**

This decision denies the Petition for a rulemaking into General Order 69-C, which governs limited, revocable uses of utility property by third parties. Decision concludes that a rulemaking will not yield the fact-specific guidance sought. This proceeding is closed.

(Comr Lynch - ALJ Veith)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

(Agenda 3094, Item 1 9/5/2002 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131829](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131829)

**H-4  
957                    R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated (Verizon).**

I01-09-002 - Related matters. This interim decision addresses the Office of Ratepayer Advocate's (ORA) audit of Verizon. The decision adopts the parties' settlement of most audit issues, with certain conditions. With respect to the main issue that was not settled, the decision (1) finds that the earnings of Verizon's telephone directory affiliate that exceed a rate of return (ROR) of 11.5% should be reflected in the regulated earnings of Verizon, and (2) expands the scope of Phase 3 of this proceeding to consider what ROR should be used in the future to determine the existence and amount of any excessive earnings of Verizon's telephone directory affiliate. The decision declines to adopt ORA's recommendation to reduce Verizon's rates by \$104 million in response to misallocated costs and revenues that were discovered by ORA's audit. Instead, the decision orders a separate phase of this proceeding to determine whether Verizon has violated any rules of the Commission and whether penalties are warranted. Finally, the decision declines to adopt ORA's proposal to make Verizon's allegedly excessive earnings subject to refund, and expands the scope of Phase 3 to include the issue of whether Verizon's earnings are excessive.

(Comr Lynch - ALJ Kenney)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3094, Item 4 9/5/2002 (Peevey); Agenda 3095, Item H-11 9/19/2002 (Brown))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=131860](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=131860)

**H-5  
967**      **I00-11-002 - Order Instituting Investigation into the adequacy of the Southern California Gas Company's (SoCalGas) and San Diego Gas & Electric Company's (SDG&E) gas transmission systems to serve the present and future gas requirements of SDG&E's core and noncore customers.**

This decision adopts new rules and procedures for SDG&E and SoCalGas to prevent future gas curtailments. This proceeding is closed.

(Comr Wood - ALJ Brown)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3095, Item 2 9/19/2002 (Staff))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132128](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132128)

**H-6  
1001**      **A99-08-050 - Wickland Pipelines LLC.**

Wickland Pipelines LLC seeks Commission approval of an environmental review, a new corporate membership structure, additional membership capital contributions, issuance of promissory notes, and authorization of market-based rates in connection with its operation of a jet fuel pipeline and tank farm project at Sacramento International Airport. The application is granted to the extent set forth. This proceeding is closed.

(Comr Peevey - ALJ Walker)

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3094, Item CA-13 9/5/2002 (Wood))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132582](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132582)

**H-7  
1009**

**I00-11-052 - Investigation on the Commission's own motion into the operations, practices, and conduct of Qwest Communications Corporation (Qwest), and its wholly owned subsidiary, LCI International Telecommunications Corporation, dba Qwest Communications Services (LCIT), to determine whether Qwest and LCIT have violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance carrier to another and billed for long distance telephone services.**

This decision finds that Qwest and its wholly-owned subsidiary, LCIT violated Public Utilities Code § 2889.5 and § 2890, as well as other statutes, in the course of their marketing activities, and that sanctions are warranted for these violations. Primarily in 1999 and 2000, Qwest failed to adequately supervise its sales agents so that the agents switched thousands of customers' long distance telephone service without their permission in violation of Section 2889.5. In some cases, the third-party verification tapes or letters of authorization confirming the switches were falsified, and Qwest failed to retain third-party verification tapes and make them available to the customer and the Commission. Qwest also violated § 2890 by placing unauthorized charges on thousands of customers' telephone bills. This decision orders a \$ 38,245,500 fine, reparations, and various sanctions to ensure future compliance with § 2889.5 and § 2890. This proceeding is closed.

(Comr Wood - ALJ Econome)

*Pub. Util Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

(Agenda 3095, Item 3 9/19/2002 (Duque))

**H-7a  
1087****ALTERNATE TO ITEM 1009**

COMMISSIONER WOOD'S ORDER RE ITEM 1009. This order finds that Qwest and its wholly-owned subsidiary, LCIT violated Public Utilities Code Section 2889.5 and Section 2890, as well as other statutes, in the course of their marketing activities, and that sanctions are warranted for these violations. This decision orders a \$20,340,500 fine, reparations, and various sanctions to ensure future compliance with Section 2889.5 and Section 2890. This proceeding is closed.

*Pub. Util Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

(Agenda 3095, Item 3a 9/19/2002 (Duque))

**H-8  
1033****A02-06-021 - San Diego Gas & Electric Company (Applicant).**

This decision grants the Applicant's request for authority to issue short-term obligations in the aggregate principle amount up to \$200,000,000 in addition to the amount of notes payable at periods of not more than 12 months authorized without Commission approval by Pub. Util. Code Section 823(c). This proceeding is closed.

(Exam Clanon)

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3094, Item 6 9/5/2002 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=127413](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=127413)

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**Orders**

- 1**  
**1048**                    **R01-05-046 - Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1712.**  
This decision notes that the required report to Legislature has been submitted. This proceeding is closed.  
(Comr Brown - ALJ Bushey)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132688](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132688)
- 2**  
**1074**                    **I02-06-003 - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless and related entities (collectively)**  
This decision grants Cingular's petition for modification of the OII and denies Cingular's motion to dismiss for lack of subject matter jurisdiction, but modifies certain Ordering Paragraphs for greater clarity and corrects minor clerical omissions.  
(Comr Wood - ALJ Veith)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132601](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132601)
- 3 (Rev.)**  
**1107**                    **A99-08-021 - Pacific Fiber Link, L.L.C.**  
For modification of its certificate of public convenience and necessity to review proponent's environmental assessment for compliance with the California Environmental Quality Act. This decision corrects certain errors that appeared in the text of D02-08-063. The errors do not affect the outcome of the decision. This proceeding is closed.  
(Comr Duque - ALJ Walker)  
*Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
10/02/2002 - This item appeared as (CA-20) on the agenda distributed to the public.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132364](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132364)

**4 (Rev.)      A02-03-058 - Pacific Gas and Electric Company (PG&E).****1121**

This decision approves the application of PG&E to sell a certain parcel of land located in Napa County to Venge Vineyards, pursuant to Pub. Util. Code Section 851. The Commission defers its decision on allocation of the gain on sale between shareholders and ratepayers to a subsequent Commission rulemaking. This proceeding is closed.

(Comr Wood - ALJ Prestidge)

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

10/03/2002 - This item appeared as (CA-23) on the agenda distributed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=132667](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132667)

**Utilities Resolutions and Written Reports*****Energy Matters*****E-1                      Res E-3788 - San Diego Gas & Electric (SDG&E).****1065**

This resolution denies SDG&E Advice Letter 1407-E/1313-G without prejudice. SDG&E's request should be filed as an application to allow the collection of additional information, grant parties an opportunity to be heard, enable the Commission to rely upon a more fully developed record, and yield notice to customers affected by the proposed rate change.

(Advice Letter 1407-E/1313-G filed May 14, 2002)

*Pub. Util. Code § 311 – This item was mailed for Public Comment*



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## **Commissioner's Reports**

### **CR-1                      Commissioners' Reports**

**1015**                      Miscellaneous Commissioners' Reports.

### **CR-2                      Commissioner Brown and Commissioner Peevey Report**

**1123**                      Commission Policies and Guidelines pursuant to Public Utilities Code Section 305, including: Public Agenda, decision document notation, access to and distribution of documents and reports.

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## **Management Reports and Resolutions**

### **M-1                    Management Reports**

**1016**                    Miscellaneous Management Reports.

### **M-2                    General Counsel's Report**

**1122**                    Possible Addendum/Changes to Summary of Material Terms for Department of Water Resources' bond transaction.

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## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Non-Federal Items

#### Orders Held Over

#### HEX-1

##### **A99-09-029 - Conference with Legal Counsel – Application for Rehearing.**

**827**

Disposition of the applications for rehearing of D01-05-059 and D01-12-017 filed by Pacific Gas and Electric Company (PG&E) on June 18, 2001 and January 11, 2002, respectively. The decisions granted PG&E's application for certificate of public convenience and necessity for the Northeast San Jose Transmission Reinforcement project.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3092, Item EX-5 8/8/2002; Agenda 3093, Item HEX-4 8/22/2002 (Staff))

#### HEX-2

##### **A99-11-025 - Conference with Legal Counsel - Application for Rehearing.**

**828**

Disposition of the application for rehearing of D01-10-029 filed by Pacific Gas & Electric Company (PG&E) on November 13, 2001. The decision granted PG&E's application for a certificate of public convenience and necessity for the proposed Tri-Valley 2002 Capacity Increase Project.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3092, Item EX-6 8/8/2002; Agenda 3093, Item HEX-5 8/22/2002 (Staff))

**HEX-3  
917****A00-10-012 - Conference with Legal Counsel - Application for Rehearing.**

A01-06-011, A00-11-050, A00-11-040, A00-11-034, A00-11-033, A00-11-032, A00-11-029, A00-11-016, A00-11-015, A00-10-050, A00-10-039, A00-10-033, A00-10-020 - Related matters. Order disposing of applications for rehearing of D02-05-047 filed by Citizens Against the Blue Line At-Grade and Mt. Washington Association. D02-05-047 approved applications of the Los Angeles to Pasadena Metro Blue Line Construction Authority to construct at-grade crossings for the proposed light rail service between the Union Station in Los Angeles and Sierra Madre Boulevard in Pasadena.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3092, Item EX-8 8/8/2002; Agenda 3093, Item HEX-6 8/22/2002 (Wood); Agenda 3094, Item HEX-3 9/5/2002 (Lynch); Agenda 3095, Item HEX-1 9/19/2002 (Lynch))

**HEX-4  
959****A99-12-013 - Conference with Legal Counsel - Application for Rehearing.**

Disposition of Application for Rehearing of D00-05-011, filed by Southern California Edison Company. In this decision, the Commission approved, pursuant to Public Utilities Code Section 851, the sale of certain electric metering and metering related facilities to the City of Anaheim.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session*

*Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3093, Item EX-8 8/22/2002 (Staff))

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**Orders****EX-1                      Conference with Legal Counsel – Applications for Rehearing****1017**

Compilation of applications for rehearing recently filed with the Commission.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session***EX-2                      Conference with Legal Counsel – Threatened Litigation****1018**

Significant exposure to litigation.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session***EX-3                      Conference with Legal Counsel – Initiation of Litigation****1019**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session***EX-4                      Personnel Matters****1020**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session***EX-5                      A00-11-038 - Conference with Legal Counsel – Application for Rehearing****1100**

A00-11-056, A00-10-028 - Related matters. Disposition of application for rehearing of D02-04-016 filed by Pacific Gas and Electric Company (PG&amp;E). In D02-04-016, the Commission established interim cost-of-service revenue requirements for the utility retained generation of PG&amp;E, Southern California Edison Company and San Diego Gas &amp; Electric Company for 2002.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session**Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.***EX-6                      A00-01-022 - Conference with Legal Counsel – Application for Rehearing.****1102**

Disposition of Application for Rehearing of D00-08-011 filed by AT&amp;T Communications (AT&amp;T), TCG, and TCI. This decision affirmed the results adopted in the Final Arbitrator's Report with some modifications, and approved the resulting arbitrated interconnection agreement between AT&amp;T and Pacific Bell. Applicants allege legal error with respect to the decision's treatment of reciprocal compensation components and treatment of calls when Calling Party Number information is not available.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session*

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**Federal Items**

***Items Held Over***

**HFEX-1**      **FERC Docket No. RM01-12-000 - Conference with Legal Counsel - Existing Litigation**  
**1083**      Standard Market Design Rulemaking.  
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session  
(Agenda 3095, Item FEX-3 9/19/2002)

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**Items**

- FEX-1  
1021**      **Conference with Legal Counsel – Initiation of Litigation**  
Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.  
*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session*
- FEX-2  
1036**      **Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation.**  
Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.
- FEX-3  
1138**      **FERC Docket No. EL02-06-000 - Conference with Legal Counsel – Existing Litigation**  
CPUC v. Allegheny et al.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session*
- FEX-4  
1139**      **FERC Docket No. EL00-95-000 et al. - Conference with Legal Counsel – Existing Litigation**  
San Diego Gas & Electric Co. et al.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session*
- FEX-5  
1140**      **FERC Docket Nos. EL02-113-000, EL02-114-000, and EL02-115-000 - Conference with Legal Counsel – Existing Litigation**  
El Paso Electric Co. et al.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session*